



February 19, 2016

ENGROSSED HOUSE BILL No. 1201

DIGEST OF HB 1201 (Updated February 17, 2016 3:30 pm - DI 110)

Citations Affected: IC 9-18; IC 15-17; IC 15-20.

Synopsis: Companion animal sterilization. Authorizes the board of animal health to establish a registry of animal care facilities. Requires that beginning July 1, 2021, a dog or a cat in an animal care facility must be spayed or neutered before adoption from the facility. Defines "animal care facility" as an animal control center, an animal shelter, a humane society, or another animal impounding facility that has as its purpose the humane treatment of animals and that has dogs or cats that are available for adoption, including governmental and private entities and animal rescues. Exempts certain cats and dogs from the spay or neuter requirement. Requires that certain forfeited deposit amounts held by an animal care facility be remitted to the bureau of motor vehicles for deposit into a trust fund (established by the treasurer of state for a special group's license plate) for a special group that provides spay-neuter services.

Effective: July 1, 2016.

**Karickhoff, Lawson L, Truitt,
Wright**

(SENATE SPONSORS — HERSHMAN, GROOMS, ARNOLD J, STOOPS,
RANDOLPH LONNIE M)

January 7, 2016, read first time and referred to Committee on Agriculture and Rural Development.

January 14, 2016, reported — Do Pass.

January 19, 2016, read second time, ordered engrossed.

January 20, 2016, engrossed.

January 21, 2016, read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 8, 2016, read first time and referred to Committee on Public Policy.

February 18, 2016, amended, reported favorably — Do Pass.

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February 19, 2016

Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1201

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-18-25-17.5, AS AMENDED BY P.L.216-2014,
2 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 17.5. (a) This section applies to a special group if
4 at least five thousand (5,000) of the special group's license plates are
5 issued under this chapter during one (1) calendar year beginning after
6 December 31, 2004.
7 (b) Notwithstanding section 2 of this chapter, the representatives of
8 the special group may petition the bureau to design a distinctive license
9 plate that identifies a vehicle as being registered to a person who is a
10 member of the special group.
11 (c) The design of the special group license plate must include a
12 basic design for the special group recognition license plate with
13 consecutive numerals or letters, or both, to properly identify the
14 vehicle.
15 (d) A special group license plate must be treated with special
16 reflective material designed to increase the visibility and legibility of
17 the special group license plate.

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(e) Beginning with the calendar year following the year in which the representatives petition the bureau under subsection (b), the bureau shall issue the special group's license plate to a person who is eligible to register a vehicle under this title who:

(1) completes an application for the license plate; and

(2) pays the following fees:

(A) The appropriate fee under IC 9-29-5-38(a).

(B) An annual special group recognition license plate fee of twenty-five dollars (\$25).

(f) The annual fee referred to in subsection (e)(2)(B) **and any other amounts remitted to the bureau as required under law** shall be collected by the bureau and deposited in a trust fund for the special group established under subsection (g). However, the bureau shall retain two dollars (\$2) for each license plate issued until the cost of designing and issuing the special group license plate is recovered by the bureau.

(g) The treasurer of state shall establish a trust fund for each special group for which the bureau collects fees under this section.

(h) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds are invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund is continuously appropriated for the purposes of this section. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(i) The commissioner shall administer the fund. Expenses of administering the fund shall be paid from money in the fund.

(j) On June 30 of each year, the commissioner shall distribute the money from the fund to the special group for which the bureau has:

(1) collected fees under this section; **or**

(2) **received and deposited amounts as required by law.**

(k) The bureau may not disclose information that identifies the persons to whom special group license plates have been issued under this section.

SECTION 2. IC 15-17-3-13, AS AMENDED BY P.L.50-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. In addition to the powers and duties given the board in this article and by law, the board has the powers and duties reasonable and necessary to do the following:

(1) Provide for the quarantine of animals and objects to prevent, control, and eradicate diseases and pests of animals.

(2) Develop, adopt, and implement programs and procedures for



1 establishing and maintaining accredited, certified, validated, or
 2 designated disease or pest free or disease or pest monitored
 3 animals, herds, flocks, or areas, including the following:

4 (A) The establishment and maintenance of herds that are
 5 monitored for disease or pest syndromes.

6 (B) The establishment and maintenance of certified or
 7 validated brucellosis free herds, animals, and areas.

8 (C) The establishment and maintenance of accredited
 9 tuberculosis free herds, animals, and areas.

10 (3) Develop, adopt, and implement programs and plans for the
 11 prevention, detection, control, and eradication of diseases and
 12 pests of animals.

13 (4) Control or prohibit, by permit or other means, the movement
 14 and transportation into, out of, or within Indiana of animals and
 15 objects in order to prevent, detect, control, or eradicate diseases
 16 and pests of animals. When implementing controls or
 17 prohibitions, the board may consider whether animals or objects
 18 are diseased, suspected to be diseased, or under quarantine, or
 19 whether the animals or objects originated from a country, a state,
 20 an area, or a premises that is known or suspected to harbor
 21 animals or objects infected with or exposed to a disease or pest of
 22 animals.

23 (5) Control or prohibit the public and private sale of animals and
 24 objects in order to prevent the spread of disease and pests of
 25 animals.

26 (6) Control the use, sanitation, and disinfection of:

27 (A) public stockyards; and

28 (B) vehicles used to transport animals and objects into and
 29 within Indiana;

30 to accomplish the objectives of this article.

31 (7) Control the use, sanitation, and disinfection of premises,
 32 facilities, and equipment to accomplish the objectives of this
 33 article.

34 (8) Control the movement of animals and objects to, from, and
 35 within premises where diseases or pests of animals may exist.

36 (9) Control the movement and disposal of carcasses of animals
 37 and objects.

38 (10) Control the manufacture, sale, storage, distribution, handling,
 39 and use of serums, vaccines, and other biologics and veterinary
 40 drugs, except those drugs for human consumption regulated under
 41 IC 16-42-19, to be used for the prevention, detection, control, and
 42 eradication of disease and pests of animals.



- 1 (11) Control and prescribe the means, methods, and procedures
- 2 for the vaccination or other treatment of animals and objects and
- 3 the conduct of tests for diseases and pests of animals.
- 4 (12) Develop, adopt, and implement plans and programs for the
- 5 identification of animals, objects, premises, and means of
- 6 conveyances. Plans and programs may include identification:
- 7 (A) of animals or objects that have been condemned under this
- 8 article; and
- 9 (B) related to classification as to disease, testing, vaccination,
- 10 or treatment status.
- 11 (13) Establish the terms and method of appraisal or other
- 12 determination of value of animals and objects condemned under
- 13 this article, the payment of any indemnities that may be provided
- 14 for the animals and objects, and the regulation of the sale or other
- 15 disposition of the animals or objects.
- 16 (14) Control the sale of baby chicks.
- 17 (15) Cooperate and enter into agreements with the appropriate
- 18 departments and agencies of this state, any other state, or the
- 19 federal government to prevent, detect, control, and eradicate
- 20 diseases and pests of animals.
- 21 (16) Control or prohibit the movement and transportation into, out
- 22 of, or within Indiana of wild animals, including birds, that might
- 23 carry or disseminate diseases or pests of animals.
- 24 (17) Provide for condemning or abating conditions that cause,
- 25 aggravate, spread, or harbor diseases or pests of animals.
- 26 (18) Establish and designate, in addition to the animal disease
- 27 diagnostic laboratory under IC 21-46-3-1, other laboratories
- 28 necessary to make tests of any nature for diseases and pests of
- 29 animals.
- 30 (19) Investigate, develop, and implement the best methods for the
- 31 prevention, detection, control, suppression, or eradication of
- 32 diseases and pests of animals.
- 33 (20) Investigate, gather, and compile information concerning the
- 34 organization, business conduct, practices, and management of any
- 35 registrant, licensee, permittee, applicant for a license, or applicant
- 36 for a permit.
- 37 (21) Investigate allegations of unregistered, unlicensed, and
- 38 unpermitted activities.
- 39 (22) Institute legal action in the name of the state of Indiana
- 40 necessary to enforce:
- 41 (A) the board's orders and rules; and
- 42 (B) this article.



(23) Control the collection, transportation, and cooking of garbage to be fed to swine or other animals and all matters of sanitation relating to the collection, transportation, and cooking of garbage affecting the health of swine or other animals and affecting public health and comfort.

(24) Adopt an appropriate seal.

(25) Issue orders as an aid to enforcement of the powers granted by this article, IC 15-18-1, and IC 15-19-6.

(26) Control disposal plants and byproducts collection services and all matters connected to disposal plants and byproducts collection services.

(27) Abate biological or chemical substances that:

(A) remain in or on any animal before or at the time of slaughter as a result of treatment or exposure; and

(B) are found by the board to be or have the potential of being injurious to the health of animals or humans.

(28) Regulate the production, manufacture, processing, and distribution of products derived from animals to control health hazards that may threaten:

(A) animal health;

(B) the public health and welfare of the citizens of Indiana; and

(C) the trade in animals and animal products in and from Indiana.

(29) Cooperate and coordinate with local, state, and federal emergency management agencies to plan and implement disaster emergency plans and programs as the plans and programs relate to animals in Indiana.

(30) Assist law enforcement agencies investigating allegations of cruelty and neglect of animals.

(31) Assist organizations that represent livestock and poultry producers with issues and programs related to the care of livestock and poultry.

(32) Establish a registry of commercial dog brokers and commercial dog breeders in Indiana.

(33) Establish a registry of animal care facilities (as defined in IC 15-20-4-1).

SECTION 3. IC 15-20-4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 4. Spay-Neuter Requirement for Animal Care Facilities

Sec. 1. As used in this chapter, "animal care facility" refers to



1 an animal care facility (as defined in IC 6-9-39-1) that has
 2 companion animals that are available for adoption. The term
 3 includes the following:

4 (1) Governmental and private entities.

5 (2) Animal rescues.

6 Sec. 2. As used in this chapter, "companion animal" means a
 7 dog or a cat.

8 Sec. 3. Beginning July 1, 2021, except as provided in section 4 of
 9 this chapter, a companion animal shall be spayed or neutered
 10 before adoption from an animal care facility.

11 Sec. 4. (a) A companion animal may be exempted from the
 12 requirements of section 3 of this chapter if a veterinarian (as
 13 defined in IC 15-17-2-102) determines, following an examination,
 14 that the companion animal:

15 (1) has a permanent health condition that precludes safe
 16 administration of a spay-neuter procedure;

17 (2) has a health condition that precludes safe administration
 18 of a spay-neuter procedure, but:

19 (A) the veterinarian determines that the health condition
 20 is not permanent and can be treated to allow for safe
 21 administration of a spay-neuter procedure not more than
 22 one hundred twenty (120) days after the date of the
 23 examination; and

24 (B) a deposit of seventy-five dollars (\$75) is made to the
 25 animal care facility before adoption; or

26 (3) is less than six (6) months of age on the date of the
 27 examination and:

28 (A) the veterinarian determines that the companion animal
 29 cannot be safely spayed or neutered due to the age of the
 30 animal; and

31 (B) a deposit of seventy-five dollars (\$75) is made to the
 32 animal care facility before adoption.

33 (b) In addition, a companion animal may be exempted from the
 34 requirements of section 3 of this chapter if:

35 (1) the companion animal is less than six (6) months of age,
 36 but is at an age as determined by the animal care facility in
 37 consultation with a veterinarian (as defined in IC 15-17-2-102)
 38 at which the companion animal can be safely spayed or
 39 neutered; and

40 (2) a deposit of seventy-five dollars (\$75) is made to the
 41 animal care facility before adoption.

42 Sec. 5. (a) A deposit made under section 4(a)(2)(B), 4(a)(3)(B),



1 or 4(b)(2) of this chapter shall be held by the animal care facility
2 in a separate account. The deposit shall be:

3 (1) returned to the depositor not later than one hundred
4 twenty (120) days after the date of receipt of the deposit by
5 the animal care facility if proof is given that a spay-neuter
6 procedure has been completed on the companion animal; or
7 (2) forfeited after one hundred twenty (120) days after the
8 date of receipt of the deposit by the animal care facility, if
9 proof is not given under subdivision (1).

10 (b) If a deposit is forfeited under subsection (a)(2), the animal
11 care facility holding the deposit shall remit the forfeited deposit
12 amount to the bureau of motor vehicles within a reasonable time.
13 The bureau of motor vehicles shall deposit any amounts received
14 under this section in a trust fund established under
15 IC 9-18-25-17.5(g) for a special group that provides spay-neuter
16 services.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1201, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1201 as introduced.)

LEHE

Committee Vote: Yeas 12, Nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred House Bill No. 1201, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-18-25-17.5, AS AMENDED BY P.L.216-2014, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 17.5. (a) This section applies to a special group if at least five thousand (5,000) of the special group's license plates are issued under this chapter during one (1) calendar year beginning after December 31, 2004.

(b) Notwithstanding section 2 of this chapter, the representatives of the special group may petition the bureau to design a distinctive license plate that identifies a vehicle as being registered to a person who is a member of the special group.

(c) The design of the special group license plate must include a basic design for the special group recognition license plate with consecutive numerals or letters, or both, to properly identify the vehicle.

(d) A special group license plate must be treated with special reflective material designed to increase the visibility and legibility of the special group license plate.

(e) Beginning with the calendar year following the year in which the representatives petition the bureau under subsection (b), the bureau shall issue the special group's license plate to a person who is eligible to register a vehicle under this title who:

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(1) completes an application for the license plate; and

(2) pays the following fees:

(A) The appropriate fee under IC 9-29-5-38(a).

(B) An annual special group recognition license plate fee of twenty-five dollars (\$25).

(f) The annual fee referred to in subsection (e)(2)(B) **and any other amounts remitted to the bureau as required under law** shall be collected by the bureau and deposited in a trust fund for the special group established under subsection (g). However, the bureau shall retain two dollars (\$2) for each license plate issued until the cost of designing and issuing the special group license plate is recovered by the bureau.

(g) The treasurer of state shall establish a trust fund for each special group for which the bureau collects fees under this section.

(h) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds are invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund is continuously appropriated for the purposes of this section. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(i) The commissioner shall administer the fund. Expenses of administering the fund shall be paid from money in the fund.

(j) On June 30 of each year, the commissioner shall distribute the money from the fund to the special group for which the bureau has:

(1) collected fees under this section; or

(2) received and deposited amounts as required by law.

(k) The bureau may not disclose information that identifies the persons to whom special group license plates have been issued under this section."

Page 6, line 3, delete "Spay-Neuter Services of Indiana" and insert **"bureau of motor vehicles"**.

Page 6, line 4, after "time." insert **"The bureau of motor vehicles shall deposit any amounts received under this section in a trust**



fund established under IC 9-18-25-17.5(g) for a special group that provides spay-neuter services."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1201 as printed January 15, 2016.)

ALTING, Chairperson

Committee Vote: Yeas 10, Nays 0.

